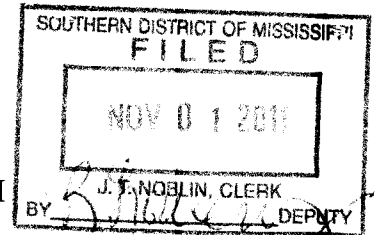


**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**



**INTERNAL RULE 1 - AS AMENDED**

**ASSIGNMENT OF CASES TO JUDGES AND MAGISTRATE JUDGES**

The Assignment of Cases to Judges and Magistrate Judges will apply to all cases filed on or after its effective date.

Each civil case filed in this Court will bear a number as follows: The number of the division, followed by a colon and the last two digits of the year in which the case is filed, followed by the letters "cv", followed by the sequential number of the case filed in the division. Civil cases may be assigned on the percentage distribution described below by use of a manual or automated random draw. The district judge and magistrate judge assignment in each case is indicated in the case docket by the initials of the district judge and the magistrate judge, as follows:

WHB	District Judge Barbour	LRA	Magistrate Judge Anderson
DCB	District Judge Bramlette	FKB	Magistrate Judge Ball
WJG	District Judge Gex	MTP	Magistrate Judge Parker
LG	District Judge Guirola	JMR	Magistrate Judge Roper
DPJ	District Judge Jordan	RHW	Magistrate Judge Walker
TSL	District Judge Lee		
HSO	District Judge Ozerden		
CWR	District Judge Reeves		
KS	District Judge Starrett		
HTW	District Judge Wingate		

Each criminal case filed in the Southern District will bear the same number format as the civil docket number, with the exception of the letters "cr" being substituted for the letters "cv".

## **I. ASSIGNMENT OF CIVIL CASES TO DISTRICT JUDGES**

Civil cases in this district are to be assigned a District Judge as follows:

- A. ASBESTOS CASES** - Asbestos cases filed throughout the District will be assigned to Judge Gex.
- B. JACKSON DIVISION** - Judges Wingate, Jordan and Reeves will each be assigned 25% of all of the civil cases filed, Senior Judge Barbour will be assigned 8% of all of the civil cases filed, and Senior Judge Lee will be assigned 17% of all of the civil cases filed.
- C. SOUTHERN DIVISION** - Judge Guirola will be assigned 48% of all civil cases filed, Judge Gex will be assigned 2% of all civil cases filed, and Judge Ozerden will be assigned 50% of all civil cases filed.
- D. HATTIESBURG DIVISION** - Judge Starrett will be assigned 100% of all civil cases filed.
- E. EASTERN DIVISION** - Judge Jordan will be assigned 20% of all civil cases filed, Judge Wingate will be assigned 40% of all civil cases filed, and Judge Reeves will be assigned 40% of all civil cases filed.
- F. WESTERN DIVISION** - Judge Bramlette will be assigned 80% of all civil cases filed and Judge Jordan will be assigned 20% of all civil cases filed.

## **II. ASSIGNMENT OF CRIMINAL CASES TO DISTRICT JUDGES**

Criminal cases in this district are assigned to district judges as follows:

- A. JACKSON DIVISION and EASTERN DIVISION** - Criminal cases will be assigned based on an indictment or information returned on the following grand jury schedule and in the proportions indicated:

January, April, July, October

Grand Jury No. 1	Reeves - 2/3	Lee - 1/3
Grand Jury No. 2	Wingate - 2/3	Bramlette - 1/3

February, May, August, November

Grand Jury No. 1	Wingate - 2/3	Bramlette - 1/3
Grand Jury No. 2	Jordan - 2/3	Barbour - 1/3

March, June, September, December

Grand Jury No. 1	Jordan - 2/3	Barbour - 1/3
Grand Jury No. 2	Reeves - 2/3	Lee - 1/3

**B. WESTERN DIVISION** - Judge Bramlette will be assigned all criminal cases filed.

**C. HATTIESBURG DIVISION** - Judge Starrett will be assigned all criminal cases filed.

**D. SOUTHERN DIVISION** - Judge Guirola will be assigned 1/5 of the criminal cases filed, Judge Gex will be assigned 2/5 of the criminal cases filed and Judge Ozerden will be assigned 2/5 of the criminal cases filed.

**III. CAPITAL HABEAS CASES** - All habeas corpus cases filed in this district reviewing a sentence of death will be assigned to District Judges equally, regardless of division, utilizing the sequence (W Gu S J O R).

**IV. REASSIGNMENT** - The Chief Judge may, after conferring with the affected district judge(s) or magistrate judge(s), reassign cases in any division in order to ensure an equal distribution of the work load and to effectuate a prompt disposition of all pending matters.

**V. PARTICIPATION** - No district judge of this court will participate in any way or to any extent with the processing or disposition of any case which is not assigned to the judge by action of this plan unless agreed to by the district judge to whom the case is assigned.

**VI. REVERSALS AND REMANDS** - If any case is removed from any list of cases by judgment of this Court and is subsequently reversed or remanded, the Clerk of the Court will assign such case to the same District Judge who previously tried or handled the case and who will have the sole responsibility for the case's final disposition, unless that District Judge agrees to the assignment of the cases to another District Judge.

**VII. REFERRAL OF CIVIL CASES TO MAGISTRATE JUDGES**

- A.** Referral of civil cases to a Magistrate Judge for trial will be in accordance with the provisions of FED. R. CIV. P. 72-73.
- B.** The notice required by FED. R. CIV. P. 73(b) concerning the opportunity to consent to trial by a Magistrate Judge will be included with the pretrial notices and instructions or provided upon request of the parties.
- C.** The consent form(s) will be filed in the division in which the case is pending. No consent form will be filed unless all parties have consented to the referral of the case to a magistrate judge.
- D.** In those cases which are referred to a magistrate judge, only the magistrate judge's designated initial(s) will appear in the suffix.
- E.** Pursuant to 28 U.S.C. § 636 (b)(1)(B), the following matters are hereby referred to the magistrate judge to conduct hearings, including evidentiary hearings, and to submit proposed findings of fact and recommendations for disposition:
  - (1) prisoner petitions challenging conditions of confinement;

- (2) applications for post-trial relief made by individuals convicted of criminal offenses, excluding capital cases; and,
- (3) social security appeals.

An Order of Reference executed by the district judge assigned to the case is required in all other cases assigned to a magistrate judge. Motions to vacate, set aside or correct the sentence pursuant to 28 U.S.C. § 2255 are referred to the sentencing judge.

#### **VIII. ASSIGNMENT OF CIVIL CASES TO MAGISTRATE JUDGES**

- A. Magistrate Judge Ball** is assigned all civil cases assigned to Judge Jordan and 2/3 of the cases assigned to Judge Reeves.
- B. Magistrate Judge Anderson** is assigned all civil cases assigned to Judges Barbour and Wingate and 1/3 of the cases assigned to Judge Reeves.
- C. Chief Magistrate Judge Roper** is assigned all civil cases assigned to Judge Guirola and 1/2 of the cases assigned to Judge Bramlette.
- D. Magistrate Judge Walker** is assigned all civil cases assigned to Judge Ozerden and Judge Gex and 1/2 of the cases assigned to Judge Bramlette
- E. Magistrate Judge Parker** is assigned all civil cases assigned to Judge Starrett and Judge Lee.

#### **IX. ASSIGNMENT OF CRIMINAL MATTERS TO MAGISTRATE JUDGES.**

- A.** All misdemeanor criminal cases will be assigned, upon the filing of an information, complaint or violation notice, or the return of an indictment, to a Magistrate Judge, who will proceed in accordance with the provisions of 18 U.S.C. §§ 3401-02 and FED. R. CRIM. P. 58.

- (1) **JACKSON, EASTERN AND WESTERN DIVISIONS** - Criminal cases will be assigned based on indictments or informations returned on the following grand jury schedule:

January, March, May, July, September, November

Grand Jury No. 1 - Anderson

Grand Jury No. 2 - Ball

February, April, June, August, October, December

Grand Jury No. 1 - Ball

Grand Jury No. 2 - Anderson

The Petty Offense Docket will continue to be rotated on a yearly basis.

- (2) **SOUTHERN DIVISION** -All criminal matters will be rotated between Chief Magistrate Judge Roper and Magistrate Judge Walker on a semi-annual basis. Indictments and informations will be assigned 1/2 to Judge Roper and 1/2 to Judge Walker. The Petty Offense Docket will be rotated between Judges Roper, Walker and Parker on a yearly basis.
- (3) **HATTIESBURG DIVISION** - All criminal matters are assigned to Magistrate Judge Parker.

- B. All pretrial criminal motions are hereby referred to a magistrate judge for hearing and determination, with the exception of motions to dismiss or quash an indictment or information made by the defendant, motions to suppress evidence, motions in limine regarding evidentiary matters, motions for extensions of time with regard to matters pending before a district judge, motions for continuances and motions for severance.

- C.** All other criminal matters authorized to be handled by a magistrate judge by statute, Federal Rules of Criminal Procedure, Uniform Local Rules or Order, including the Plan to implement the Magistrate's Act, are hereby assigned to magistrate judges for appropriate action.
- D.** Individual case exceptions to the foregoing assignment method may be directed by the Chief Judge in order to more expeditiously address particular case situations.
- X. RECUSAL** - When the presiding district judge must recuse himself from a case, the reassignment will be conducted in the following sequence:

Eastern Division, Western Division, and Jackson Division cases:

Wingate	→	Jordan	→	Lee	→	Barbour
Jordan	→	Reeves	→	Barbour	→	Bramlette
Reeves	→	Lee	→	Bramlette	→	Wingate
Lee	→	Barbour	→	Wingate	→	Jordan
Barbour	→	Bramlette	→	Jordan	→	Reeves
Bramlette	→	Wingate	→	Reeves	→	Lee

Hattiesburg Division and Southern Division cases:

Starrett	→	Ozerden	→	Guirola	→	Gex
Ozerden	→	Guirola	→	Starrett	→	Gex
Guirola	→	Ozerden	→	Starrett	→	Gex
Gex	→	Guirola	→	Ozerden	→	Starrett

When the assigned Magistrate Judge must recuse himself or herself from a case, the reassignment will be conducted in the following sequence:

Eastern Division, Jackson Division and Western Division (DPJ) cases:

Anderson → Ball → Parker  
Ball → Parker → Anderson  
Parker → Anderson → Ball

Hattiesburg Division, Southern Division and Western Division (DCB) cases:

Roper → Walker → Parker  
Walker → Roper → Parker  
Parker → Roper → Walker

In the event that a case cannot be reassigned using the sequence described above, the Chief Judge may assign the case to a judge outside the sequence.

This order will become effective November 1, 2011, and will effectively supplant all prior court case assignment and magistrate assignment orders and rules.

**SIGNED** this the 1st day of November, 2011.

*s/ Louis Guirola, Jr.*

LOUIS GUIROLA, JR.  
CHIEF UNITED STATES DISTRICT JUDGE